

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JEFFREY WARREN SPINNEY

Petitioner,

v.

Docket No. CR-93-10345-WD

Civil Action No. _____

UNITED STATES OF AMERICA

Respondent,

DODD MOTION

COMES NOW PETITIONER, Jeffrey Warren Spinney, and pursuant to the recent Supreme Court ruling in Dodd v. United States, 125 S.Ct. 2478 (2005), files the instant Dodd Motion for consideration.

The Dodd court held that the AEDPA's one-year limitation for filing a §2255 motion, grounded upon the claim that the Supreme Court has made a decision retroactive, is triggered on the date that such a decision is handed down, **not** on the date that the Court declares it to be retroactive.

Thus, in the interest of preserving his claims, Petitioner now gives notice that he is hereby raising a challenge to his unconstitutionally imposed guideline sentence, as contemplated by United States v. Booker, 125 S.Ct. 738 (2005), and contests his career criminal enhancement which was imposed in violation of Shepard v. United States, 544 U.S. ____; 161 L.Ed.2d 205 (2005).

Respectfully submitted,

Date: 1-5-2006

Jeffrey Warren Spinney
Jeffrey Warren Spinney
Reg. No. 15468-018
FCI-McKean County
Bradford, PA 16701

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